

"Express Mail" Label No. EV 291376412 US
Date of Deposit November 29, 2004

PATENT
Docket No.: 019934-000711US

I hereby certify that this is being deposited with the United States Postal Service "Express Mail Post Office to Address" service under 37 CFR 1.10 on the date indicated above and is addressed to:

Mail Stop Issue Fee

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

By: 

Tara N. Damhoff

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Jennifa Gosling et al.

Application No.: 09/721,341

Filed: November 21, 2000

For: METHOD FOR IDENTIFYING A
MODULATOR OF THE BINDING
OF CCX CKR POLYPEPTIDE TO
A CHEMOKINE (AMENDED)

Customer No.: 20350

Confirmation No.: 5168

Examiner: Bunner, Bridget E.

Art Unit: 1647

183/48 (a)(3)

PETITION UNDER 37 C.F.R. 1.47(a)

Mail Stop Issue Fee

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Pursuant to the provisions of 37 C.F.R. 1.47(a), Applicants hereby petition for entry of the new declaration that is enclosed. This new declaration is provided as part of a request for correction of inventorship under 37 C.F.R. 1.48(a). As indicated in the enclosed request, Applicants are petitioning for deletion of Dale Talbot as a named inventor. Inventor Michael Hanley, however, has refused to sign the new declaration that is required under 37 C.F.R. 1.48(a), despite multiple attempts to contact Mr. Hanley. In

Jennifa Gosling et al.
Application No.: 09/721,341
Page 2

PATENT

this regard, Applicants note that the deleted inventor, Dale Talbot, has executed the necessary documents to effectuate the change in inventorship.

Statement of Facts

As required for a petition under 37 C.F.R. 1.47(a), the undersigned provides the following statement of facts evidencing a refusal by Michael Hanley to sign the new declaration:

(1) On June 22, 2004, a letter (Attachment A) was sent to Mr. Hanley at his business address (see below) by FedEx requesting that he sign a new declaration to remove Dale Talbot as inventor. The letter enclosed a copy of the application (referred to in the letter as the 019934-000710 application), a copy of the claims as currently pending, and a copy of the new declaration for signature by Mr. Hanley. A copy of a FedEx delivery receipt (Attachment B) is enclosed, confirming delivery of the materials to Mr. Hanley's place of employment on June 23, 2004.

(2) On July 15, 2004, after not receiving the executed declaration, the undersigned's secretary tried contacting Mr. Hanley and spoke with Mr. Hanley's secretary. Mr. Hanley's secretary confirmed that Mr. Hanley had received the materials and stated that Mr. Hanley considered this matter a low priority and would attend to it when he had time.

(3) On August 11, 2004, the undersigned sent another letter (Attachment C) to Mr. Hanley at his business address reminding Mr. Hanley of the need for the new declaration and noting that the necessary documents from all the other inventors had been received. A copy of a FedEx delivery receipt (Attachment D) is enclosed, confirming delivery of the materials to Mr. Hanley's place of employment on August 12, 2004.

(4) On October 19, 2004, the undersigned tried calling Mr. Hanley and reached his secretary, Rosemary, who said that she would leave a message with Mr. Hanley to contact the undersigned to discuss this patent matter.

Jennifa Gosling et al.
Application No.: 09/721,341
Page 3

PATENT

(5) On October 20, 2004, the undersigned called Mr. Hanley and again reached his secretary, Rosemary. Mr. Hanley's secretary confirmed that she had relayed the undersigned's previous message to Mr. Hanley and said she would again remind Mr. Hanley to contact the undersigned.

(6) After not hearing from Mr. Hanley, the undersigned again called Mr. Hanley on October 26, 2004 and this time reached Mr. Hanley's personal voicemail rather than Mr. Hanley's secretary. The undersigned left a message requesting Mr. Hanley to call about changing inventorship in this application and noting that all the other inventors had signed the necessary documents. Mr. Hanley never returned the undersigned's calls.

Applicants submit that this chronology of events clearly demonstrate that Mr. Hanley was provided with the necessary documents (including application, currently pending claims and new declaration) to correct inventorship in this application and his refusal to execute the necessary declaration. Applicants thus request that this petition under 37 C.F.R. 1.47(a) be granted and that the enclosed new declaration signed by all the other correct inventors be entered into the file as part of the enclosed request to correct inventorship (i.e., to delete Dale Talbot as inventor, thus leaving Jennifa Gosling, Daniel J. Dairaghi, Michael Hanley, Zhenhua Miao and Thomas J. Schall as the correct inventors).

Last Known Address

Applicants are only aware of Mr. Hanley's current business address, which is Amylin Pharmaceuticals, Inc., 9360 Towne Center Drive, Ste. 110, San Diego, CA 92121.

Petition Fee

The Patent Office is authorized to charge the petition fee under 37 C.F.R. 1.17(h) to Deposit Account No. 20-1430, as well as any other fee that may be due as part of the processing of this petition.

Jennifa Gosling et al.
Application No.: 09/721,341
Page 4

PATENT

If this petition is more properly brought under 37 C.F.R. 1.183, then Applicants request that this petition be treated as such and that the necessary fees for such a petition be charged to Deposit Account No. 20-1430, as well as any other fee that may be due as part of the processing of this petition.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (303)571-4000.

Respectfully submitted,



Scott L. Ausenhus
Reg. No. 42,271

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: (303)571-4000
Fax: (415) 576-0300
SLA:sla

60365460 v1

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TOWNSEND & TOWNSEND

Attachment 4

NO. 0615 P. 23

TOWNSEND

and

TOWNSEND

and

CREW

LLP

June 22, 2004

VIA FEDEX

Michael Hanley, Ph.D.
Vice President Discovery Research
Amylin Pharmaceuticals, Inc.
9360 Towne Centre Drive, Ste. 110
San Diego, CA 92121

Re: ChemoCentryx Patent Applications
Our File No.: 019934-000710US
Our File No.: 019934-000711US
Our File No.: 019934-000723US

Dear Dr. Hanley:

I am a patent attorney and am currently assisting ChemoCentryx, Inc. with the above-referenced patent applications.

ChemoCentryx has undertaken a review of the inventors listed in these applications to evaluate whether inventorship needs to be altered in view of the pending claims. It was determined that inventorship should be altered in these applications as indicated below:

Our Files 019934-000711US and -000723US: Remove Dale Talbot as inventor;

Our File 019934-000710US: Remove Dale Talbot and yourself as inventors.

A copy of the 019934-000710US and -000723US applications as filed and the claims as currently pending in each application are also enclosed for your reference (the 019934-000711US application is identical to the -000710US application and thus is not included). These documents are of course confidential and should not be disclosed to anyone else.

After reviewing the applications and claims, please sign and DATE the enclosed documents and return them and the enclosures to me as soon as possible in the Federal Express envelope that is enclosed for your convenience. The documents that are enclosed include:

Our Files 019934-000711US and -000723US: A new declaration listing the correct inventors. This declaration should be signed and DATED by you in the spaces provided. The other inventors will sign other copies of the declaration.

San Francisco, California
Tel 415 576-0200

Denver

1200 Seventeenth Street
Suite 2700
Denver
Colorado 80202-5827
Tel 303 571-4000
Fax 303 571-4321

Palo Alto, California
Tel 650 326-2400

Walnut Creek, California
Tel 925 472-5000

San Diego, California
Tel 858-350-6100

Seattle, Washington
Tel 206 467-9600

DEC. 1, 2004 1:29PM

TOWNSEND & TOWNSEND

Attachment A

NO. 0615 P. 23

TOWNSEND
and
TOWNSEND
and
CREW
LLP

San Francisco, California
Tel 415 576-0200

Denver

Palo Alto, California
Tel 650 326-2400

1200 Seventeenth Street
Suite 2700
Denver
Colorado 80202-5827
Tel 303 571-4000
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Walnut Creek, California
Tel 925 472-5000

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Tel 858-350-6100

Seattle, Washington
Tel 206 467-9600

June 22, 2004

VIA FEDEX

Michael Hanley, Ph.D.
Vice President Discovery Research
Amylin Pharmaceuticals, Inc.
9360 Towne Centre Drive, Ste. 110
San Diego, CA 92121

Re: ChemoCentryx Patent Applications
Our File No.: 019934-000710US
Our File No.: 019934-000711US
Our File No.: 019934-000723US

Dear Dr. Hanley:

I am a patent attorney and am currently assisting ChemoCentryx, Inc. with the above-referenced patent applications.

ChemoCentryx has undertaken a review of the inventors listed in these applications to evaluate whether inventorship needs to be altered in view of the pending claims. It was determined that inventorship should be altered in these applications as indicated below:

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Our File 019934-000710US: Remove Dale Talbot and yourself as inventors.

A copy of the 019934-000710US and -000723US applications as filed and the claims as currently pending in each application are also enclosed for your reference (the 019934-000711US application is identical to the -000710US application and thus is not included). These documents are of course confidential and should not be disclosed to anyone else.

After reviewing the applications and claims, please sign and DATE the enclosed documents and return them and the enclosures to me as soon as possible in the Federal Express envelope that is enclosed for your convenience. The documents that are enclosed include:

Our Files 019934-000711US and -000723US: A new declaration listing the correct inventors. This declaration should be signed and DATED by you in the spaces provided. The other inventors will sign other copies of the declaration.

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NO. 0615 P. 24

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and

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Michael Hanley, Ph.D.

June 22, 2004

Page 2

Our File 019934-000710US: A statement by you requesting a change of inventorship.

ChemoCentryx appreciates your assistance in this matter. Please do not hesitate to contact me if you have any questions or concerns regarding this matter.

Very truly yours,



Scott L. Ausenhus

SLA/tnd

Enclosures

cc: Mark Penfold, ChemoCentryx, Inc. (*Via Federal Express, w/o Enclosures*)
60245259 v1

DEC. 1. 2004 1:29PM

TOWNSEND & TOWNSEND
ent B

NO. 0615 P. 25

Damhoff, Tara N.

From: FedEx [donotreply@fedex.com]
Sent: Wednesday, June 23, 2004 11:14 AM
To: Damhoff, Tara N.
Subject: FedEx shipment 790677235553

Our records indicate that the shipment sent from Scott Ausenhus/Townsend & Townsend & Cre
to Michael Hanley, Ph.D./Amylin Pharmaceuti has been delivered.
The package was delivered on 06/23/2004 at 9:39 AM and signed for
or released by E.MOLINA.

The ship date of the shipment was 06/22/2004.

The tracking number of this shipment was 790677235553.

FedEx appreciates your business. For more information about FedEx services,
please visit our web site at <http://www.fedex.com>

To track the status of this shipment online please use the following:
http://www.fedex.com/cgi-bin/tracking?tracknumbers=790677235553&action=track&language=english&cntry_code=us

Disclaimer

FedEx has not validated the authenticity of any email address.

DEC. 1. 2004 1:29PM

TOWNSEND & TOWNSEND
Attachment C

NO. 0615 P. 26

TOWNSEND
and
TOWNSEND
and
CREW
LLP

San Francisco, California
Tel 415 576-0200

Denver
1200 Seventeenth Street
Suite 2700
Denver
Colorado 80202-5827
Tel 303 571-4000
Fax 303 571-4321

Palo Alto, California
Tel 650 326-2400

Walnut Creek, California
Tel 925 472-5000

San Diego, California
Tel 858-350-6100

Seattle, Washington
Tel 206 467-9600

August 11, 2004

VIA FEDEX

Michael Hanley, Ph.D.
Vice President Discovery Research
Amylin Pharmaceuticals, Inc.
9360 Towne Centre Drive, Ste. 110
San Diego, CA 92121

Re: ChemoCentryx Patent Applications
Our File No.: 019934-000710US
Our File No.: 019934-000711US
Our File No.: 019934-000723US

Dear Dr. Hanley:

As I indicated in my earlier letter to you dated June 22, 2004, ChemoCentryx Inc. is requesting your cooperation in correcting the inventorship in these three applications. We have received the necessary papers from all the other inventors, and are now just awaiting the papers from you.

To elaborate somewhat on my earlier letter, and as you can see from the applications and claims I provided you previously, the subject matter of the foregoing applications falls into two categories:

1. The 019934-000711US and -000723US applications, which are directed to screening methods to identify agents that modulate the activity of the chemokine receptor CCX CKR. ChemoCentryx has concluded that you are an inventor of the claims in these applications and thus simply needs you to sign the papers I provided you for these applications to have Mr. Dale Talbot removed as a named inventor. Mr. Talbot has already agreed to this change and sent us the necessary formal documents he needed to sign to effectuate this change.

2. The 019934-000710US application, which is directed to methods of treating a CCX CKR medicated condition in a mammal. ChemoCentryx has concluded that the work underlying this invention was performed by others after your departure from ChemoCentryx. The papers I provided you with previously thus are to remove Mr. Talbot and yourself as named inventors. Again, Mr. Talbot has already signed the appropriate papers.

If you have any questions or concerns about this matter or need another copy of the applications and claims that were sent with my letter dated June 22, 2004, please do not hesitate to contact me. Upon receipt of the documents from you we can conclude this matter.

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Michael Hanley, Ph.D.
August 11, 2004
Page 2

Once again, ChemoCentryx would like to thank you in advance for your cooperation in this matter.

Very truly yours,



Scott L. Ausenhus

SLA/tnd

cc: Mark Penfold, ChemoCentryx, Inc. (*Via U.S. Mail*)
60245259 v1

DEC. 1 2004 1:29PM

TOWNSEND & TOWNSEND

Attachment D

NO. 0615 P. 28

Damhoff, Tara N.

From: FedEx [donotreply@fedex.com]
Sent: Thursday, August 12, 2004 12:55 PM
To: Damhoff, Tara N.
Subject: FedEx shipment 790729963781

Our records indicate that the shipment sent from Scott Ausenhus/Townsend & Townsend & Cre to Michael Hanley, Ph.D./Amylin Pharmaceuti has been delivered. The package was delivered on 08/12/2004 at 9:42 AM and signed for or released by E.MOLINA.

The ship date of the shipment was 08/11/2004.

The tracking number of this shipment was 790729963781.

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To track the status of this shipment online please use the following:
http://www.fedex.com/cgi-bin/tracking?tracknumbers=790729963781&action=track&language=english&cntry_code=us

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